



EX PARTE OR LATE FILED

REDACTED - FOR PUBLIC INSPECTION

December 22, 2011

ORIGINAL

FILED/ACCEPTED

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W. TW-A325
Washington, DC 20554

DEC 22 2011
Federal Communications Commission
Office of the Secretary

Re: Developing a Unified Inter-carrier Compensation Regime, et al., CC Docket No. 01-92; WC Docket Nos. 07-135, 10-90, 05-337; and GN Docket No. 09-51

Dear Ms. Dortch:

On behalf of U.S. TelePacific Corp. ("TelePacific"), enclosed please find two (2) copies of the redacted version of TelePacific's *ex parte* letter regarding LEC-CMRS intraMTA intercarrier compensation ("Letter"). This information is being filed pursuant to the Protective Order issued in this proceeding on September 16, 2010.¹ In accordance with the Protective Order, all pages of this filing are marked **REDACTED - FOR PUBLIC INSPECTION**.

By separate letter addressed to Ms. Dortch and Ms. Lynne Hewitt Engledow, TelePacific has requested confidential treatment of this information pursuant to Section 0.457 and 0.459 of the rules of the Federal Communications Commission. TelePacific has also filed a redacted version of the Letter via ECFS.

Please contact the undersigned if you have any questions. Please date-stamp the enclosed extra copy of this transmittal and return it to me in the self-addressed envelope provided.

Sincerely,

Nancy Lubamersky
Vice President
Public Policy & Strategic Initiatives
U.S. TELEPACIFIC CORP.

Attachments

¹ See *Developing a Unified Inter-carrier Compensation Regime*, Protective Order, CC Docket No. 01-92, et al., DA 10-1749 (rel. Sept. 16, 2010) ("Protective Order").

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Re: *Developing a Unified Intercarrier Compensation Regime*, et al., CC Docket
No. 01-92; WC Docket Nos. 05-337, 07-135, 10-90; GN Docket No. 09-51

Ex Parte Communication

Dear Ms. Dortch:

U.S. TelePacific Corp. ("TelePacific") submits this letter to support requests that the Commission reduce rates for the exchange of LEC-CMRS intraMTA traffic in accordance with the same multi-year transition that applies to other forms of terminating traffic.

TelePacific urges the Commission to apply its LEC-CMRS compensation rules to all LECs, both incumbent and competitive, equally. In the *T-Mobile Order*, the Commission prohibited all LECs from tariffing terminating compensation for intraMTA traffic, but granted only incumbent LECs the right to demand interconnection negotiations with CMRS providers.¹ Notwithstanding this ruling, TelePacific eventually was successful in negotiating traffic exchange agreements with CMRS carriers. TelePacific's CMRS agreements provide mutual compensation for the exchange of intraMTA traffic and include negotiated reciprocal compensation rates that are based on cost-based unbundled network element ("UNEs") rates set by the California Public Utilities Commission. These negotiated rates, *****BEGIN CONFIDENTIAL** **END CONFIDENTIAL*****, are above \$0.0007. During the "base" fiscal year defined by the *Order*,² TelePacific's net compensation for intraMTA traffic under two

¹ *Developing a Unified Intercarrier Compensation Regime; T-Mobile et al. Petition for a Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, CC Docket No. 01-92, Declaratory Ruling and Report and Order, 20 FCC Rcd 4855, ¶¶ 14, 16 (2005); 47 C.F.R. § 20.11(e) & (f).

² *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, n.1639 (rel. Nov. 18, 2011) ("*Order*").

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such agreements was *****BEGIN CONFIDENTIAL** **END CONFIDENTIAL*****. By comparison, TelePacific's Estimated 2011 operating income is *****BEGIN CONFIDENTIAL** **END CONFIDENTIAL*****. Contrary to the Commission's assumption,³ TelePacific had a basis for reliance on the mutual compensation provisions of the Act and Commission rules to receive compensation for the exchange of intraMTA traffic with CMRS carriers.

TelePacific supports a uniform, cost-based rate for the exchange of all traffic. Granting a preferential rate to one form of traffic, such as LEC-CMRS intraMTA traffic, perpetuates the arbitrage the *Order* is designed to end. The Commission should subject the exchange of *all* LEC-CMRS intraMTA traffic to the same multi-year transition as other forms of terminating compensation.

Sincerely yours,

/s/ electronically signed

Nancy Lubamersky
Vice President
Public Policy & Strategic Initiatives
U.S. TELEPACIFIC CORP.

cc (by e-mail):

Zac Katz
Angela Kronenberg
Lisa Hone
Christine Kurth
Sharon Gillette
Rebekah Goodheart

³ *Id.*, ¶ 996.